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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,797	12/05/2003	Andreas Ihme	224891	2279
23460	7590	10/13/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			RINEHART, KENNETH	
		ART UNIT	PAPER NUMBER	
		3749		

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/729,797	IHME ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth B. Rinehart	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12 is/are allowed.
- 6) Claim(s) 9 and 11 is/are rejected.
- 7) Claim(s) 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 August 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi (4727655) in view of Wolfe et al (5761377). Jacobi discloses In a printing press having at least one printing unit for printing sheet material directed through the printing press in a downstream direction of travel, a dryer for drying printed sheet material as it is directed along a predetermined path of movement following passage through said at least one printing unit (fig. 1, col. 1 ,lines 14 and 15), said dryer comprising a radiant heater, said radiant heater including a housing within which a plurality of radiant tubes are arranged in parallel relation to each other and in perpendicular relation to the direction of movement of sheet material along said predetermined path of movement (fig. 3), said radiant tubes having a ... supported within said housing for directing predetermined radiation onto the printed sheet material directed along said path, said radiant burner is spaced a distance greater than one centimeter from the sheet material directed along said predetermined path (fig. 1). Jacobi discloses applicant's invention substantially as claimed with the exception of common reflector, said reflector being formed with parallel parabolic shaped reflector sections, said radiant tubes each being disposed at least partially within a respective one of said parabolic shaped reflector sections, said parabolic reflector sections defining a closed bottom joint intermediate wall between adjacent radiant

tubes that extends below the upper periphery of the radiant tubes but not below a lower perimeter thereof, said reflector having a reflector section at an upstream end thereof with an end wall and faces in a downstream direction that extends to a level below the level of the radiant tubes, and said reflector having a reflector section at a down stream end of said reflector with an end wall that extends to a level below the level of the radiant tubes and faces in an upstream direction, said radiant heater has two radiant tubes arranged in parallel relation to each other, and said parabolic shaped reflector sections have central axes that are inclined at an acute angle with respect to each other such that the parabolic shaped sections open in a direction toward each other, said radiant burner is spaced a distance greater than one centimeter from the sheet material directed along said predetermined path. Wolfe et al teaches common reflector, said reflector being formed with parallel parabolic shaped reflector sections (fig. 4), said radiant tubes each being disposed at least partially within a respective one of said parabolic shaped reflector sections (fig. 4), said parabolic reflector sections defining a closed bottom joint intermediate wall between adjacent radiant tubes that extends below the upper periphery of the radiant tubes but not below a lower perimeter thereof (fig. 4), said reflector having a reflector section at an upstream end thereof with an end wall and faces in a downstream direction that extends to a level below the level of the radiant tubes (fig. 4), and said reflector having a reflector section at a down stream end of said reflector with an end wall that extends to a level below the level of the radiant tubes and faces in an upstream direction (fig. 4), said radiant heater has two radiant tubes arranged in parallel relation to each other (fig. 4) for the purpose of providing stereoscopic propagation. It would have been obvious to one of ordinary skill in the art to modify Jacobi by including common reflector, said reflector being formed with parallel parabolic shaped reflector

sections, said radiant tubes each being disposed at least partially within a respective one of said parabolic shaped reflector sections, said parabolic reflector sections defining a closed bottom joint intermediate wall between adjacent radiant tubes that extends below the upper periphery of the radiant tubes but not below a lower perimeter thereof, said reflector having a reflector section at an upstream end thereof with an end wall and faces in a downstream direction that extends to a level below the level of the radiant tubes, and said reflector having a reflector section at a downstream end of said reflector with an end wall that extends to a level below the level of the radiant tubes and faces in an upstream direction (fig. 4), said radiant heater has two radiant tubes arranged in parallel relation to each other (fig. 4) as taught by Wolfe et al for the purpose of providing stereoscopic propagation to provide for more uniform drying so that the drying process is more efficient with fewer defects.

*Allowable Subject Matter*

Claim 12 is allowed.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KENNETH RINEHART  
PRIMARY EXAMINER